
COMMITTEE STRUCTURE REVIEW

1. Purpose of Report

The purpose of this report is to report back on a review of the operation of the committee structure and associated matters, and to seek Council's approval to a number of initiatives designed to further improve its operation.

2. Executive Summary

At the beginning of each triennium Council is required to agree on a governance structure to perform its business and duties throughout the triennium. The aim is to convert the governance roles of elected members into a structure that enables the achievement of Council's vision and strategic goals through democratic, effective and efficient decision making. In November 2004 Council agreed to a structure based around the Strategy and Policy Committee. Council also agreed that that structure should be reviewed in July 2005.

That review has now been completed. The general consensus from elected members is that any proposals for change to the SPC governance and decision-making model need to build on the acknowledged strengths of the model and, at the same time, address any weaknesses that have been identified. Elected members have identified a number of initiatives designed to further improve the operation of the model, ranging from ensuring there is more in-depth, informal discussion on key policy matters and projects, to clarifying the role of and expectations on Portfolio Spokespersons, to making provision for briefings and report-backs from external organisations, officers and Portfolio Spokespersons. Changes agreed to by Council will be implemented as soon as possible.

3. Recommendations

It is recommended that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Recommend to Council that it agree to the following changes to the operation of the Strategy and Policy Committee (SPC) governance and decision-making model:*
 - a. *shift the SPC Pre-Meeting Session from Wednesday to Tuesday, and increase the time set aside for officer presentations and questions*

- b. *clarify the expectation that Tuesday afternoons, following the SPC Pre-Meeting Session, are available for further discussion between elected members, and elected members and officers (facilitated by Portfolio Spokespersons), with the aim of ensuring fuller understanding of the issues, and identification of any proposed amendments to the recommendations*
- c. *develop a schedule of workshops, briefing sessions and informal policy discussions (based around portfolio areas, facilitated by Portfolio Spokespersons and assisted by officers, and covering matters which it is intended will come to SPC in the future) to occur prior to debate and decision-making on such matters at SPC. These will be held on Wednesday mornings*
- d. *clarify the expectation that Wednesday mornings will also be a time when elected members can, among themselves, meet to discuss positions on various issues in reports, and possible amendments. The identification of those issues/reports would be done at the conclusion of the Tuesday SPC Pre-Meeting Session*

(Note: the Mayor has offered to make her reception room available for these discussions)

- e. *schedule regular, formal report backs at the SPC Pre-Meeting Session from Portfolio Spokespersons on progress on initiatives within their areas of responsibility, including implementation of projects and policies*
 - f. *schedule Advisory Groups (e.g. DRG, PAG), CCOs (e.g. PWT) and COs (e.g. 20/20 Trust) to report on activities and progress as part of the Tuesday SPC Pre-Meeting Session*
 - g. *the title "Portfolio Spokesperson" be replaced with the title "Portfolio Leader", to more accurately reflect the role and functions of the position.*
3. *Recommend to Council that it agree to an amended Role Description for the position of Portfolio Leader, as set out in Appendix 1.*
 4. *Request officers to prepare a report for Strategy and Policy Committee on the establishment of a Property Subcommittee, including a proposed terms of reference/delegations for that Subcommittee.*
 7. *Note that the terms of reference/delegations for the Audit and Risk Management Committee are currently under review, and that any proposed changes will be reported to Council for approval.*

8. *Recommend to Council that it agree that Standing Orders be amended to include a new clause 43(b) as follows:*

43(b) In all other respects the conduct of a workshop, working party, briefing or meeting solely for information and discussion shall be determined by the Chair of that meeting, if a Chair is appointed, in his or her absolute discretion”

9. *Recommend to Council that it agree that that Standing Order 212 be amended as follows:*

212 A period of up to 15 minutes shall be set aside near the beginning of committee and subcommittee meetings (and 25 minutes for committees of the whole) to enable members of the public to make statements about any matter ...”

(Note: for recommendations 8 and 9 to succeed, it will require a three quarters proportional majority vote of the Council meeting).

4. Background

At the beginning of each triennium Council is required to agree on a governance structure to perform its business and duties throughout the triennium. The aim is to convert the governance roles of elected members into a structure that enables the achievement of Council’s vision and strategic goals through democratic, effective and efficient decision making. At its meeting on 5 November 2004, Council agreed to establish three committees and four subcommittees, with the Strategy and Policy Committee (SPC) having the delegations that were allocated out across six committees (Planning & Performance, Finance & Corporate, Built & Natural Environment, Community Health & Recreation, City Infrastructure, and Economy & Arts Committee) in the last triennium.

As part of the SPC model, Council also agreed to establish seven Portfolio Spokesperson positions covering:

- economy
- environment
- social
- culture and arts
- transport
- urban development
- governance, communication and participation.

The Chair of SPC would take responsibility for matters not covered by the other Portfolio Spokespersons. A Role Description for the position was developed and approved by Council. The four main parts of the role are:

- acting as the committee’s principal spokesperson in communicating to the media and public the official policy of the Council on items relating to their respective area of activity

- moving reports from their area of responsibility at the Strategy and Policy Committee, which includes advocating for them, explaining and clarifying matters to colleagues at the table, and so on
- working with officers in supporting the agreed work programme in their area of responsibility
- in the absence of the Chair and Deputy Chair of the Strategy and Policy Committee, taking on the role of chair.

The Council also agreed to review the operation of the committee structure in July 2005.

5. Discussion

5.1 Committee Structure Review

Since the Strategy and Policy Committee (SPC) governance and decision-making model was agreed in November 2004, officers have been noting the feedback from elected members on its operation, and suggestions made as to how its operation could be improved. Officers have also been actively reviewing how it has been operating from a management and administration perspective.

At a recent workshop, elected members discussed their vision for, and desired objectives of, the City's governance arrangements. The general consensus was that any proposals for change to the SPC governance and decision-making model needed to build on the acknowledged strengths of the model and, at the same time, address any weaknesses that have been identified. The following summarises the key messages from the workshop:

- the need for more in-depth, informal discussion on key policy matters and projects, facilitated by Portfolio Spokespersons in concert with officers, prior to reports on those matters coming before SPC
- the importance of all elected members having the opportunity to be involved in debate and decision-making on major strategic and policy matters
- concern that SPC's delegations had undermined Council as a decision-making body
- the need for there to be some space between the SPC Pre-Meeting Session and the SPC meeting itself, to enable discussions (as opposed to debate) between elected members, and discussions between elected members and officers, to occur prior to debate and decision-making at SPC
- the need to look at ways of encouraging the media and public to engage more with the SPC process, including timely communication of decisions, and allowing more opportunity for public participation
- the need to ensure effective political oversight of the organisation, through such things as in-depth discussion, questions and debate on the quarterly report
- the need to ensure there is a forum for those elected members with a passion for a particular subject area, to contribute to work being done in that area.

5.2 *Proposals for Change*

Coming out of the workshop, it is clear that elected members want an effective, democratic structure that enables all of them to be involved in all discussions, debate and decision-making on strategies, policies and projects. At the same time, it is acknowledged that a number of specialist matters will be dealt with by the other committees and subcommittees established by Council at the beginning of the triennium (e.g. Regulatory Processes Committee, Audit and Risk Management Subcommittee).

Elected members are seeking a governance and decision-making model where:

- decisions reflect the majority political view of Council
- elected members have ability to effect change
- there is effective political and governance oversight of council processes
- strategic direction is set
- there is clarity and transparency in the decision-making processes
- there is timely communication of decisions
- there are innovative ways for the public to participate.

In order to achieve this vision and objectives, and realise further the benefits of the SPC governance and decision-making model, the following changes are proposed:

- shift the SPC Pre-Meeting Session from Wednesday to Tuesday, and increase the time set aside for officer presentations and questions
- clarify the expectation that Tuesday afternoons, following the SPC Pre-Meeting Session, are available for further discussion between elected members, and elected members and officers (facilitated by Portfolio Spokespersons), with the aim of ensuring fuller understanding of the issues, and identification of any proposed amendments to the recommendations
- develop a schedule of workshops, briefing sessions and informal policy discussions (based around portfolio areas, facilitated by Portfolio Spokespersons and assisted by officers, and covering matters which it is intended will come to SPC in the future) to occur prior to debate and decision-making on such matters at SPC. These will be held on Wednesday mornings.
- clarify the expectation that Wednesday mornings will also be a time when elected members can, among themselves, meet to discuss positions on various issues in reports, and possible amendments. The identification of those issues/reports would be done at the conclusion of the Tuesday SPC Pre-Meeting Session
- schedule regular, formal report backs at the SPC Pre-Meeting Session from Portfolio Spokespersons on progress on initiatives within their areas of responsibility, including implementation of projects and policies
- schedule Advisory Groups (e.g. DRG, PAG), CCOs (e.g. PWT) and COs (e.g. 20/20 Trust) to report on activities and progress as part of the Tuesday SPC Pre-Meeting Session
- the title “Portfolio Spokesperson” be replaced with the title “Portfolio Leader”, to more accurately reflect the role and functions of the position, and the Role Description be updated to better reflect the role and functions of the position
- changes to Standing Orders, to increase the amount of time available for public participation, and to provide the chair of a workshop, working party or briefing with a clear statement of their ability to control and conduct the meeting.

Officers also propose to meet with the media, to explain the operation of the SPC model (e.g. the purpose of the different days), and how the forward programme can be used to identify upcoming reports that may be of particular interest to the media. In relation to the concern expressed about the effect of the operation of SPC on Council, officers note that in comparison with last triennium, the only significant new delegation given to the second tier body is the final approval of policy. Other than that, SPC's delegations are an amalgam of the delegations of last triennium's KAA committees. Being a 'committee of the whole', SPC is, in a sense, like Council but without the speaking/time restrictions.

5.3 Application of Standing Orders to Workshops, Working Parties and Briefings

Under the Local Government Act 2002, a Council must adopt a set of Standing Orders for the conduct of its meetings and those of its committees. Members must abide by those Standing Orders. However, Standing Orders only apply to meetings, as defined by the Local Government Official Information and Meetings Act 1987. Wellington City Council Standing Orders state that (SO 2.1) "Standing Orders will not apply to meetings of committees, subcommittees and the Council when convened as workshop meetings or meetings solely for information and discussion and at which no resolutions or decisions are made."

Some concern has been expressed that the chair of a briefing (or workshop or working party) needs, if required, a clear statement of their ability to maintain order and the democratic, effective and efficient conduct of the meeting. The alternative view expressed is that, in order for the value of such briefings to be fully realised, there also needs to be a degree of informality not found in meetings governed by Standing Orders.

In the absence of any specific, promulgated rules (like Standing Orders), the expectation is that the common law procedural rules of a meeting apply – there is no vacuum in terms of conduct of the meeting. However, this can sometimes seem a little unclear to the meeting participants. Wellington City Council has already agreed some rules (SOs 40 to 43) in relation to workshops and meetings solely for information and discussion. The rules cover a number of matters, including the calling of such events, giving notice, and the requirements for a quorum and a presiding chair. It is proposed that, rather than seek to run workshops, briefings and so on under a regime designed for formal debate and decision-making, Council agree to add a further rule to the workshop rules contained in SOs, making it clear that the chair of such an event has overall discretion in the conduct of that event. This approach has been adopted by other metro councils.

5.4 Portfolio Spokespersons

Since Council agreed to the concept of, and a role description for, Portfolio Spokespersons in November 2004, the nature of the role has both become more clear and grown. While Portfolio Spokesperson are fulfilling the roles as set out above, they are also spending more and more time representing the Council at meetings with external organisations and groups, contributing to the work carried out by such

organisations and groups, and attending official functions and events, within their portfolio area.

Given this, it is proposed that the title of this position be amended to more accurately reflect the leadership role the holders of these positions are exercising in the policy development and relationship management areas, and also the role of facilitating policy discussions among elected members. Options considered included Portfolio Chair and Portfolio Leader. Officers recommend that Portfolio Spokespersons be re-titled Portfolio Leaders. It is also recommended that Council agree to a new Role Description for the position, which reflects this change in the role (attached as Appendix 1).

5.5 Establishment of a Property Subcommittee

One of the points made in the feedback from elected members on the operation of SPC was that there needed to be mechanisms to facilitate political input to work officers are doing, prior to formal debate and decision-making. This is particularly useful in those areas where a project or process may go on for some time. A good example of this from the previous triennium is the Property Subcommittee, and the role it played in relation to the Chews Lane sale process, which took more than 18 months. The Subcommittee would meet at key stages of the process, to hear updates from officers, and provide direction as to next steps.

Activity in the property area is increasing, and officers consider that there would be value in again establishing a Property Subcommittee. The Subcommittee would report to SPC (although Council must make the final decision on the purchase and disposal of assets under the Local Government Act 2002). It is proposed that officers be requested to prepare a report for Strategy and Policy Committee on the establishment of a Property Subcommittee, including a proposed terms of reference/delegations for that Subcommittee.

It should be noted that officers will continually keep the need for the establishment of ad hoc subcommittees under review. Officers will also ensure the committee and subcommittee delegations agreed in November 2004 remain current and effective. In line with that, officers are currently reviewing the terms of reference/delegations of the Audit and Risk Management Subcommittee, to ensure they are consistent with New Zealand and international best practice.

5.6 Implementation

If SPC and Council agree to the changes proposed in this report, officers will need to make a number of arrangements (mainly around diary bookings, and working with Portfolio Spokespersons to arrange policy discussions, etc) to implement those changes. It is proposed that the changes be implemented as soon as possible. In order to do this, officers propose the following:

- shift the SPC briefings currently scheduled for Wednesday 10 and 17 August to Tuesday 9 and 16 August respectively (i.e. dates currently booked as SPC reserve days in elected members' diaries)

- schedule workshops on strategy reviews for Tuesday 2 August, and Wednesday 10, 17 and 23 August (i.e. mainly dates currently booked as SPC briefings). The strategy review workshops are a precursor to the major workshop, already booked for 13-14 September 2005, on council outcomes and priorities. More information on these strategy reviews and workshops will be sent to elected members soon. There will not be a SPC meeting that week.
- continue to ensure that, as much as possible, Subcommittee and other meetings are not booked during the day in the fourth week of the month, so that that week can be used for the longer resource consent hearings
- ensure that, as much as possible, SPC meetings are not booked on Mondays or Fridays (from time to time it is necessary to book Subcommittee meetings on Mondays or Fridays).
- senior managers and forward programme managers for each portfolio area will meet with their Portfolio Spokesperson, to review the forward programme, and identify what matters would usefully be scheduled for informal policy discussions, briefings and such like.

Democratic Services has already booked time in elected members' diaries for the months of September to December 2005 (i.e. for the period where there is no Council-adopted meeting schedule). Following decision-making on matters covered in this report, Democratic Services will re-book those meetings, and will also take a meeting schedule to Council in August 2005 for adoption.

6. Conclusion

At the beginning of each triennium Council is required to agree on a governance structure to perform its business and duties throughout the triennium. The aim is to convert the governance roles of elected members into a structure that enables the achievement of Council's vision and strategic goals through democratic, effective and efficient decision making. In November 2004 Council agreed to a structure based around the Strategy and Policy Committee. Council also agreed that that structure should be reviewed in July 2005.

That review has now been completed. The general consensus from elected members is that any proposals for change to the SPC governance and decision-making model need to build on the acknowledged strengths of the model and, at the same time, address any weaknesses that have been identified. Elected members have identified a number of initiatives designed to further improve the operation of the model, ranging from ensuring there is more in-depth, informal discussion on key policy matters and projects, to clarifying the role of and expectations on Portfolio Spokespersons, to making provision for briefings and report-backs from external organisations, officers and Portfolio Spokespersons. Changes agreed to by Council will be implemented as soon as possible.

Contact Officer: *Michael Webster, City Secretary.*

Supporting Information

1) Strategic Fit / Strategic Outcome

*This project supports objective 9.2 City decision-making:
People are encouraged to participate in the decision making of the city*

2) LTCCP/Annual Plan reference and long term financial impact

Relates to C534: Committee and Council process

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications

4) Decision-Making

This is not a significant decision

5) Consultation

a) General Consultation

b) Consultation with Maori

Not required

6) Legal Implications

The advice contained in this report has been discussed with the Council's legal advisors

7) Consistency with existing policy

This report is consistent with existing Wellington City Council policy

APPENDIX 1

PORTFOLIO LEADER Role Description

Role Title:

Portfolio Leader

Role of the Portfolio Leader:

The Portfolio Leader has the following responsibilities:

Policy Leadership

At meetings of the Strategy and Policy Committee, to provide guidance to the Committee, within a particular portfolio area, as it seeks to: establish a clear strategic direction through its decision making; make effective policy recommendations or decisions where authority has been delegated by Council; and exercise good financial stewardship. Portfolio Leaders will move reports from their area of responsibility, advocate for them, explain and clarify matters to colleagues and, where necessary, introduce reports at Council. Portfolio Leaders will also facilitate informal policy discussions between elected members, and elected members and officers, on matters within their area of responsibility.

External Representation and Relationships

Represent the Council at meetings of pan-Council working groups, and other external organisations and groups, and contribute to the work carried out by such organisations and groups. Attend official functions within their area of responsibility, and represent the Mayor on those occasions when the Mayor and Deputy Mayor are unable to attend.

Communication:

Acts as the Committee's principal spokesperson in communicating to the media and public the official policy of the Council (or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction) on items relating to their respective area of activity.

Officer Liaison:

Act as the point of contact for officers in supporting the work programme in their area of activity.

Meeting Preparation and Follow-Up:

Attend agenda meetings, ensure satisfactory presentations are under preparation, ensure media issues have been addressed, and following a meeting make sure key issues and decisions are clearly communicated to the media and public.

Conduct of Meetings:

In the absence of the Chair and Deputy Chair of the Strategy and Policy Committee, to act as Chairperson of the meeting and to conduct that meeting in accordance with the provisions of the Local Government Act 2002, Local Government Official Information and Meetings Act 1987, Council Standing Orders, and any other statute that may apply from time to time. When acting as Chair, to promote informed debate at meetings by:

- managing the time to enable considered yet efficient decision making
- allowing members to have a say
- setting parameters for the discussion
- providing impartial control of the meeting
- summarising the debate, focussing and providing direction.